

CHAPTER 5

REVISED MARCH 2001

BASIC TERMINAL INSPECTION

1. GENERAL.

a. The basic activity of the Motor Carrier Safety Unit (MCSU) is the inspection of terminals subject to specific sections of the California Vehicle Code (VC), California Code of Regulations, Title 13 (13 CCR) and limited application of Code of Federal Regulations, Title 49 (49 CFR). Terminal inspection is the activity during which violations are detected, corrections required, and terminal ratings assigned.

b. The Motor Carrier Safety Training Officer (MCSTO) must provide trainees with a basic understanding of regulated matters and the terminal inspection process. This chapter will serve as the foundation on which subsequent training will be built. Each trainee shall read HPM 84.1 Motor Carrier Safety Operations, Chapters 1 and 2, then the MCSTO should review the material with them.

2. BASIC INSPECTIONS.

a. Uniformity of Inspection. To ensure uniformity in all terminal inspection activities, Division MCSU personnel must perform terminal inspections in accordance with HPM 84.1.

b. Four categories of regulated matters are inspected and evaluated to determine the terminal's overall compliance with laws and regulations relating to motor carrier safety.

(1) Maintenance Program. The MCSTO shall explain that the terminal must be in compliance with the maintenance requirements set forth in 13 CCR 1232(a) requiring a regular and systematic maintenance program. The MCSTO should explain that many of the vehicles listed in Section 34500 VC are subject to specific periodic inspection intervals and inspection items which are discussed in subsequent chapters (e.g., Section 34505.5 VC).

(a) Each trainee should gain an understanding of the preventive maintenance concept, and the advantages of inspecting and repairing commercial vehicles before mechanical failure occurs, as opposed to responding only to breakdowns.

(b) The MCSTO should explain to the trainees the role that inspection and maintenance documentation plays in a successful maintenance program.

(c) Trainees are to review 13 CCR 1230, Unlawful Operation.

(d) The MCSTO should explain the role which mechanical defects play in commercial vehicle accidents and breakdowns, e.g., brake maintenance and adjustment, steering and suspension, and tire and wheel defects.

(e) Trainees shall become familiar with the following:

- 1 Driver daily vehicle condition reports.
- 2 Lubrication records.
- 3 Preventive maintenance (PM) records.
- 4 Periodic inspection records.
- 5 Repair records.

(f) The MCSTO should explain the concept of "regular and systematic" inspection on the part of the carrier, and the requirements for carriers to establish due dates and describe the nature of inspections, repairs, and services.

(2) Driver Records. The MCSTO should explain that driver records are to provide documentation to monitor drivers' hours of service, and drivers' qualifications to operate vehicles listed in Section 34500 VC. Ensure trainees have a clear understanding of the impact driver fatigue has on commercial vehicle accidents, and the importance of keeping unqualified or disqualified drivers from driving. Explain that driver error, not mechanical failure, is the number one cause of accidents, including commercial vehicle accidents.

(a) Trainees are to read the following sections, then the MCSTO should provide instruction and practical exercises to ensure trainees understand the material.

- 1 34501.2 VC - Driving Hours.
- 2 13 CCR 1200 - Scope.
 - a Point out exceptions for two-axle motor trucks.

3 13 CCR 1201 - Definitions.

4 13 CCR 1212 - Drivers' Hours of Service.

a Explain the conditional exceptions for a* 100 air-mile radius driver.

5 13 CCR 1212.5 - Maximum Driving and On-Duty Time.

6 13 CCR 1213 - Driver's Record of Duty Status.

7 13 CCR 1213.2 - Automatic On-board Recording Devices.

8 13 CCR 1234(a) - Driver's Record.

9 13 CCR 1234(b) - Driver's Authorized Vehicles.

(b) Familiarize trainees with the following related sections:

1 34501.3 VC - Motor Carriers: Unlawful Schedule.

2 34501.4 VC - Violation: Logbook Requirements.

3 34501.10 VC - Location of Driver Records and Logbooks.

4 13 CCR 1214 - Driver Condition.

5 13 CCR 1229 - Driving Proficiency.

(c) The MCSTO should explain to trainees the role which the Department of Motor Vehicles (DMV) Pull Notice Program plays in identifying disqualified drivers.

1 Have trainees read Section 1808.1 VC.

2 Familiarize trainees with the DMV Pull Notice printout.

3 Demonstrate how to properly conduct a Pull Notice record inspection.

(3) Regulated Vehicles. The MCSTO should explain that in order to determine a carrier's ability to properly maintain regulated vehicles, an in-depth vehicle inspection is performed on a representative sample of vehicles (refer to HPM 84.1). Vehicle inspection results are the basis upon which a MCS can

objectively determine the adequacy of a carrier's required preventive maintenance program.

(a) Training in basic vehicle inspection will be covered in Chapter 6. The MCSTO shall ensure that trainees review the appropriate manuals and guides, with an emphasis on occupational safety issues, before performing vehicle inspections.

(b) Vehicle condition must be consistent with maintenance records; that is, they should reflect evidence of repairs or adjustments noted on the carrier's vehicle repair records. Every effort shall be made to ensure that the carrier's preventive maintenance program is not -merely "paper maintenance" for review by state and federal inspectors, but that an effective program is utilized by the motor carrier.

(4) Hazardous Materials.

(a) Explain the importance of performing in-depth hazardous materials compliance inspections.

(b) Explain that applicable CCR or CFR regulations must be considered during inspection of this category. Training specific to hazardous material carriers, shippers, cargo tank terminals, and hazardous waste transporter terminals is addressed in subsequent chapters.

3. ASSIGNMENT OF RATINGS.

a. Assignment of the safety compliance rating is a necessary element in the completion of a terminal inspection. The trainee should fully understand the importance of assigning the correct terminal rating and when necessary, taking the appropriate enforcement action. When an unsatisfactory rating is assigned, under specific circumstances, the rating may result in denial, suspension or revocation of a carrier's Public Utilities Commission operating authority, Private Carrier of Passengers Registration, DMV Motor Carrier Permit, or a recommendation to the Federal Highway Administration, Office of Motor Carriers, for administrative action, whichever is appropriate. When enforcement action is to be taken, it shall be carried out in conformance with statutory mandates and applicable departmental policy. This portion of the terminal inspection must be handled in a manner which provides for consistent and uniform assignment of both individual category and overall terminal ratings.

b. MCSTOs shall ensure that trainees review departmental policy outlining the assignment of carrier ratings (HPM 84.1, Chapter 1).

4. SAFETY COMPLIANCE REPORT.

- a. The CHP 343, Safety Compliance Report Terminal Record Update, is designed to document facts and findings relevant to the terminal inspection. HPM 84.1, Chapter 2, contains specific directives for the data collection and basic entries. The focus of this training element is directed toward the CHP 343, CHP 343-1 Continuation, and CHP 355 A-M, Violation Notice, when utilized.
- b. The CHP 343-1 is used to document violations and to provide appropriate direction to the carrier. The direction shall include the actions necessary to achieve a satisfactory level of compliance. It is necessary that the trainee understand why the directives should be thoroughly outlined and explained to the carrier representative. Each carrier whose terminal was inspected must have an understanding of why the inspection was conducted, what the results were, and, when appropriate, what consequences may arise from an unsatisfactory rating.

5. VEHICLE/EQUIPMENT INSPECTION REPORT.

- a. The CHP 343A, Vehicle/Equipment Inspection Report, is used to document vehicle and equipment inspections.
- b. MCSTOs shall familiarize the trainee with the CHP 343A, utilizing HPM 84.1, Chapter 2, for direction on form completion.
- c. The trainee shall review HPM 84.1, Chapter 2, and Annex C; to become familiar with phrases and terminology for violation reporting.
- d. MCSTOs must stress the need to document defects by describing what vehicle functions do not work correctly, or may fail if not corrected, and to avoid prescribing specific repairs.
- e. The CHP 407F, Safetynet Driver/Vehicle Inspection Report, is used primarily for on-highway applications and in some instances may be used by MCSU personnel.
 - (1) Explain the function and correct usage of the CHP 407F, emphasizing that it is designed for motor vehicles operated singly (not towing another vehicle), or for combinations of vehicles as they are actually found connected to one another. Combinations must not be "assembled on paper," that is, trailers may not be documented without a power unit on the CHP 407F, and only trailers and dollies that were towed by that power unit may be indicated on the form.

6. NOTICE TO CARRIER.

- a. The CHP 345, Notice to Carrier, is used to document due process.
- b. MCSTOs shall instruct trainees on preparation of the CHP 345, Notice to Carrier, pursuant to HPM 84.1, Chapter 2.
- c. Explain to the trainee that negative recommendations and/or findings may involve legal proceedings. State law requires legal proceedings to conform to an established and orderly processes to ensure fairness.
- d. Explain that "due process" requires that a responsible carrier representative be advised of an unsatisfactory terminal rating, and what remedies the Department will utilize should conditions not improve in a reasonable time.

7. RECORDS RECEIPT.

- a. The MCSTO should explain to the trainee the basis for seizing records belonging to a motor carrier, in preserving the "best evidence" for review by a court. CHP Officers assigned to Court Officer special duty may be a resource available for this discussion, as may Mobile Road Enforcement officers assigned to the AB 1683 program, sometimes referred to as "Motor Carrier Permit officers."
- b. The MCSTO should explain also that any records seized continue to be the property of the motor carrier, and that the Department has an obligation to prevent their loss or damage, to provide copies of the records if the carrier requests them, and ultimately to return the records, if they are in the Department's possession when prosecution is either decided against or is completed.
- c. The CHP 343C, Records Receipt, provides both the carrier and the Department documentation of the records seized, when necessary.
- d. MCSTOs shall instruct the trainee on preparation of the CHP 343C, pursuant to HPM 84.1, Chapter 2.

8. ACTIVITY REPORTING.

- a. The CHP 100D, Weekly Field Activities Report, is not only a time recording document, but an important tool necessary for the management of the entire MCSO Program.
- b. MCSTOs shall instruct each trainee regarding HPM 84.1, Chapter 3, Field Activity Reporting.

c. MCSTOs must convey the importance of accurately and honestly reporting activities. Trainees should know that their supervisors are aware that there will be occasional days when, through no fault of the MCS, there is little substantial activity to report for the day. There will also be days when the MCS can accomplish more than usual, and the MCS is expected to take advantage of opportunities to compensate for less productive' days.

9. TERMINAL INSPECTION SCENARIO.

a. MCSTOs should develop a variety of simulated inspection scenarios as tools to evaluate the learning progress of the trainee.

b. Scenarios can be developed using information supplied by the MCSTO, or as training progresses, data obtained while conducting field training exercises. Whichever method is used, the trainee should be instructed to complete the appropriate forms (including the CHP 100D). The MCSTO should ensure the trainee arrives at a supportable conclusion pertinent to the block of training currently being reviewed. For example, a scenario could be designed to focus solely on hazardous materials issues, and the trainee's assignment for the moment might be to rate the terminal's compliance on that category only. Or, a scenario might simulate a full terminal inspection.

c. The MCSTO should instruct each trainee to complete the scenario exercise as if conducting a terminal inspection. The completed exercise should then be reviewed by the MCSTO for accuracy before being discussed with the trainee.

d. The MCSTO should ensure that completed scenarios are consistent with all applicable statutes, regulations, policy, and procedure.

e. At this point, it may be necessary to have the trainee review any areas of deficiency in their completed exercise, then revise the exercise report. The MCSTO will use the revised report to determine the trainee's comprehension of those specific elements of training that were weak.

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